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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,470	12/01/2001	Natan E. Tiefenbrun	2649.11	9389

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NEW YORK, NY 10112

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2164

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,470

Applicant(s)

TIEFENBRUN ET AL.

Examiner

Charles Rones

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Declaration

The amendment timely filed on December 10, 2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janes et al. U.S. Patent No. 6,642,946 ('Janes') in view of Dockter et al. U.S. Patent No. 5,854,923 ('Dockter').

Janes discloses:

As to claims 1, 12, 23, 36, 37, and 40-45,

selecting, by a user, the attributes in accordance with the user's preference; See 3:30-45; 5:30-38; and

creating the tree in accordance with the selected attributes; See 3:30-45; 5:1-38;

automatically updating the tree based on changes to the objects or the attributes;

See 7:35-56; 8:1-21; 13:1-9.

Janes discloses the claimed invention except for the automatically monitoring the plurality of objects for determining changes to the objects or their attributes. Dockter teaches that it is known to automatically monitor the plurality of objects for determining changes to the objects or their attributes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically monitor the plurality of objects for determining changes to the objects or their attributes as taught by Dockter, since Dockter states at column 5, lines 16-26 that such a modification would allow monitoring of a user's behavior to determine the user's preferences.

As to claims 2, 13, and 24

comprising the step of displaying the tree; See 9:30-54.

As to claims 3, 14, and 25,

wherein when one of the tree nodes is selected by the user, all of the objects associated with at least that node are also displayed; See 9:30-54.

As to claims 4, 15, and 26,

step of associating a new object with one of the tree nodes; See 3:30-45; 5:30-38; 13:1-9.

As to claims 5, 16, and 27,

the step of associating a modified object with one of the tree nodes; See 3:30-45; 5:30-38.

As to claims 6, 17, and 28,

wherein a node is added to the tree when an object requiring that node has been added or modified; See 3:30-45; 5:30-38; 9:11-25.

As to claim 8, 19, and 30,

wherein the user selects a node to operate upon the objects associated with the selected node; See 3:30-45; 5:30-38.

As to claims 9, 31, 35, and 39,

wherein the user selects simultaneously two or more nodes to operate upon or display all objects associated with the selected nodes; See 3:30-45; 5:30-38; 9:10-53.

As to claims 10, 21, and 32,

Wherein one or more of the attributes are calculated or derived from other attributes; See 3:30-45; 5:30-38; 9:10-53.

As to claims 11, 22, and 33,

associating the plurality of objects with the node, each object having a plurality of attributes, wherein the objects associated with any one of the nodes is a superset of objects associated with lower nodes; See 3:30-45; 5:30-38; 9:10-53; and

applying a filter to each lower node in successive fashion so that only those objects contained in a higher node that have an attribute matching the node attribute are displayed; See 3:30-45; 5:30-38; 9:10-53.

As to claims 7, 18, and 29,

wherein a node is deleted when objects requiring that node no longer exist; See 3:30-45; 5:30-38; 9:10-53.

As to claim 20,

wherein the user selects two or more nodes to operate upon all objects associated with the selected nodes; See 3:30-45; 5:30-38; 9:10-53.

As to claims 34, 38, and 43,

selecting, by a user, any of the attributes in accordance with the user's preferences, wherein the set of available preferences available for selection is not predefined; See 3:30-45; 5:30-38; and

creating the tree in accordance with the selected attributes; See 3:30-45; 5:1-38; automatically updating the tree based on changes to the objects or the attributes; See 7:35-56; 8:1-21; 13:1-9.

Claims 1-33 are rejected under 35 U.S.C. 102(b) as being unpatentable over Dockter et al. U.S. Patent No. 5,854,923 ('Dockter').

Dockter discloses:

As to claims 1, 12, 23, 36, 37, and 40-45,

selecting, by a user, the attributes in accordance with the user's preference; See 4:50-56; 5:18-25; 6:25-35; and

creating the tree in accordance with the selected attributes; See 4:50-56; 5:18-25; 6:25-35;

automatically monitoring the plurality of objects for determining changes to the objects or their attributes updating the tree based on changes to the objects or the attributes; See 4:50-56; 5:18-25; 6:25-35.

Response to Arguments

Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

A handwritten signature in cursive script, appearing to read "C. Rones".

Charles Rones
Primary Examiner
Art Unit 2164

March 14, 2005